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December 4, 2019

**VIA ECF & EMAIL**

Honorable Analisa Torres  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312  
[Torres\\_NYSDChambers@nysd.uscourts.gov](mailto:Torres_NYSDChambers@nysd.uscourts.gov)

Re: *Evergreen East Cooperative v. Bottomley Evergreens & Farms, Inc.*  
Case No. 1:19-cv-05360-AT  
Motion to Enforce Settlement Agreement

Dear Judge Torres:

Pursuant to Local Civil Rules 5.2, 7.1, and the Court's Individual Practices § IV(A), Defendant Bottomley Evergreens & Farms, Inc. ("Bottomley") hereby moves for leave to file certain documents under seal.

The documents that Bottomley seeks to file under seal (the "Confidential Documents") are:

- Bottomley's Motion to Enforce Settlement;
- Bottomley's Memorandum of Law in support of its Motion to Enforce Settlement; and
- Declaration of Ashlee A. Webster and supporting exhibits, including declarations and emails regarding settlement. (Exs. A-O)

Pursuant to Local Civil Rule 5.2, 2013 Committee Note, Bottomley is sending the Confidential Documents directly to chambers instead of via ECF considering they contain information about settlement discussions that should not be in the public file. *See United States v. Glens Falls Newspapers, Inc.*, 160 F.3d 853, 858 (2d Cir. 1998) (recognizing that certain settlement documents "are not part of the public record of a federal case, and that the district court may seal

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documents in order to foster settlement"). Accordingly, Bottomley respectfully requests that the Court grant this letter-motion for leave to file the Confidential Documents under seal.

Respectfully,

/s/ Ashlee A. Webster  
Ashlee A. Webster  
*Counsel for Bottomley Evergreens & Farms, Inc.*

cc: Ross Babbitt via email at [rbabbitt@babbitt-lawfirm.com](mailto:rbabbitt@babbitt-lawfirm.com)  
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GRANTED in part, DENIED in part. This Court's Individual Practices in Civil Cases requires any request to seal documents to "cite case law and provide a factual explanation that justifies the proposed sealing." Rule IV(A)(ii). A request for sealing must meet the constitutional requirement of justifying "specific, on-the-record findings that sealing is necessary to preserve higher values and ... is narrowly tailored to achieve that aim." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 124 (2d Cir. 2006).

Accordingly, by **December 20, 2019**, Bottomley shall submit the filings with proposed redactions for chambers review along with the accompanying justifications for such redactions, or submit a letter justifying the blanket sealing request.

SO ORDERED.

Dated: December 13, 2019  
New York, New York

  
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ANALISA TORRES  
United States District Judge